

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY ACTION NO. 2009-AH- 56

DEPARTMENT OF FINANCIAL INSTITUTIONS

PETITIONER

V.

ROBERT M. ELMORE

RESPONDENT

ORDER DENYING APPLICATION FOR AGENT REGISTRATION

* * * * *

The Department of Financial Institutions (DFI), is the agency of Kentucky state government charged with administering the provisions of the Securities Act of Kentucky (Act), KRS Chapter 292, and the rules, regulations and orders enacted pursuant to the Act.

Pursuant to KRS 292.330(13)(a)1 of the Act, the Commissioner of the DFI enters this Order denying the application of Respondent Robert M. Elmore for registration in Kentucky as an agent of Energy Exploration, Inc.

FACTUAL ALLEGATIONS

1. The Department of Financial Institutions, Division of Securities (the "Division"), received a Form U-4 application from Robert M. Elmore for registration with the Division as an issuer agent with Energy Exploration, Inc. on August 3, 2009.
2. KRS 292.330(4) provides that if no denial order is in effect and no proceeding is pending under KRS 292.330(13) to deny, suspend or revoke registration, the registration becomes effective at noon of the thirtieth day an application is filed, except as otherwise noted in KRS 292.330(4).

3. Mr. Elmore's Form U-4 application indicates that from June, 2007 until July, 2008, the applicant was employed as an account executive with Young Oil Corporation in Knob Lick, Kentucky. The Division has reviewed Mr. Elmore's registration file and determined that the applicant was never registered with the Division as a sales agent for Young Oil Corporation.

4. Further, on the basis of Mr. Elmore's Form U-4 application he was also employed as an agent for Southeastern Energy from May 1, 2003 to January 1, 2004. The Division has reviewed Mr. Elmore's registration file and determined that the applicant was never registered with the Division as a sales agent for Southeastern Energy.

5. Further, on the basis of Mr. Elmore's Form U-4 application he was also employed as an agent for East Fork Energy from July 1, 2008 to July 2, 2009. The Division has reviewed Mr. Elmore's registration file and determined that the applicant was never registered with the Division as a sales agent for East Fork Energy.

6. The Division's records do show that the applicant was formerly registered as an agent for North American Resources Group/Peak Oil & Gas for more than three years, however that registration expired on April 30, 2007.

7. The Division has also received an investor complaint which was filed against Young Oil Corporation and the applicant, Robert Elmore. The complainant states that the applicant contacted the investor by telephone in the fall of 2007 and solicited him to invest in Young Oil Corporation, Prospect #53.

8. KRS 292.330(1) provides that "[i]t is unlawful for any person to transacted business in this state as a broker-dealer or agent, unless the person is registered under this chapter."

9. Because the applicant's registration terminated in the spring of 2007, the applicant was never registered with Young Oil Corporation, and the applicant solicited an investor in the fall of 2007 at a time when he was not registered to do so, the applicant appears to have willfully violated or willfully failed to comply with the provisions of KRS 292.330(1).

Statutory Violations

10. KRS 292.330(13)(a) provides that the Commissioner "may by order deny, suspend, or revoke registration of any broker-dealer, agent, investment adviser, or investment adviser representative, . . . if he finds that the order is in the public interest and that the applicant . . . has willfully violated or willfully failed to comply with any provision of this chapter or a predecessor law or any rule or order under this chapter or a predecessor law."

Findings

11. On the basis of the foregoing, the Commissioner finds that the applicant, Robert M. Elmore, has willfully violated or willfully failed to comply with the provisions of KRS 292.330(1) by transacting business in the State of Kentucky without a license, and that it is in the public interest that his pending application for registration as an issuer agent for Energy Exploration, Inc. be denied.

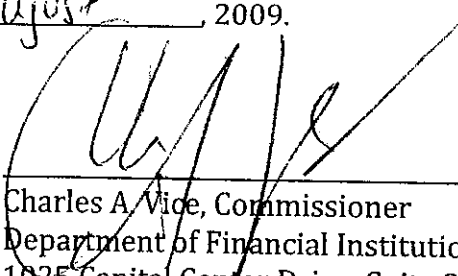
ORDER

Based on the factual allegations and findings set forth above, the Commissioner finds that it is in the public interest to deny the agent application of Robert M. Elmore. Accordingly, the application for agent registration of Respondent Robert M. Elmore is DENIED.

NOTICE OF RIGHT TO A HEARING

The Respondent has the right to an administrative hearing in this matter in accordance with KRS Chapter 13B. If the Respondent desires a hearing, he must submit a written request to the DFI within fifteen (15) days of the date of this Order. If the Respondent does not submit a timely request for a hearing, then his right to a hearing is waived and the order will remain in effect until modified or vacated by the Commissioner.

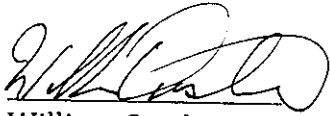
Executed on the 27th day of August, 2009.



Charles A. Vice, Commissioner
Department of Financial Institutions
1025 Capital Center Drive, Suite 200
Phone: (502) 573-3390
Fax: (502) 573-2183

Certificate of Service

I, William Owsley, Counsel for the Department of Financial Institutions, certify that a copy of the foregoing Notice was mailed certified, return receipt requested, to Robert M. Elmore, 111 Thoroughbred, Glasgow, Kentucky 42141 and to Energy Exploration, Inc., 137 Park Avenue, Glasgow, Kentucky 42141 on this 27th day of August, 2009.

A handwritten signature in black ink, appearing to read 'William Owsley', written over a horizontal line.

William Owsley

Counsel

Office of Financial Institutions